

Clerk, U.S. District Court  
Southern District of Texas  
FILED

DEC 2 2014

A091 (Rev. 8/01) Criminal Complaint

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

David J. Bradley, Clerk of Court

UNITED STATES OF AMERICA

V.

**Mark James Ecker****CRIMINAL COMPLAINT**

Case Number:

**C-14-1291M**

I, the undersigned complainant state that the following is true and correct to the best of my knowledge and belief. On or about 12/2/2014 in Brooks County, in the  
(Date)

Southern District of Texas defendant's **Mark James Ecker**


did knowingly or in a reckless disregard of the fact that an alien had come to, entered, or remained in the United States in violation of law, transport, or move or attempt to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law

in violation of Title 8 United States Code, Section(s) 1324.  
I further state that I am a(n) Special Agent and that this complaint is based on the  
following facts: Official Title

See Attached Affidavit of Special Agent **Marvin Williams**

Continued on the attached sheet and made a part of this complaint:

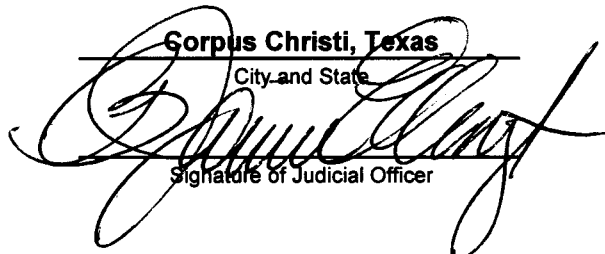
☒ Yes ☐ No

  
Signature of Complainant  
**Marvin Williams**  
Printed Name of Complainant

Sworn to before me and signed in my presence and probable cause found on

December 2, 2014  
Date  
**B. Janice Ellington U.S. Magistrate Judge**  
Name and Title of Judicial Officer

at

Corpus Christi, Texas  
City and State  
  
Signature of Judicial Officer

AFFIDAVIT

I, Marvin J. Williams, being first duly sworn, hereby depose and state as follows:

On December 01, 2014, HSI Corpus Christi was notified by Falfurrias Border Patrol of the arrest of Mark James Ecker for attempting to smuggle four (4) undocumented aliens in the trunk of a white four door car through the United States Border Patrol checkpoint. Ecker was to transport the undocumented alien through the Falfurrias Border Patrol checkpoint and to Houston, Texas.

On December 1, 2014, Border Patrol Agent Eduardo Ybarra was assigned primary checkpoint duties along with Border Patrol Agent Hector Gonzales and his service issued canine Boyke. At approximately 1900 hours a silver Chevrolet Impala bearing Texas temporary plates 85T 9009 drove up for inspection of its occupants. He noticed a single driver.

Once the vehicle was stationary BPA Ybarra greeted the driver later identified as ECKER, Mark James by asking how he was doing, and ECKER just stared at BPA Ybarra and mumbled quietly words that he could not understand. BPA Ybarra asked ECKER if he was a United States Citizen and he replied again quietly, "Going to work, Kiewet". BPA Ybarra asked ECKER again if he was a United States Citizen, and ECKER quietly replied, "Yes". While BPA Ybarra was speaking with ECKER, Agent Gonzalez was utilizing his service issued canine Boyke to conduct a free air sniff of the exterior of the vehicle. Agent Gonzalez advised BPA Ybarra that canine Boyke was alerting to vehicle. BPA Ybarra asked ECKER if there was anyone or anything else in the vehicle including the trunk because of the visible sag of the rear suspension. ECKER avoided answering BPA Ybarra's question, paused, and replied that he was a welder and that he was just going to work at Kiewet. Having prior knowledge of the Kiewet offshore company, BPA Ybarra asked ECKER if he worked offshore and ECKER, stated, "I don't know". While ECKER was speaking with BPA Ybarra his eyes were red and watery and his face was visibly shaky. Due to the canine alert and ECKER's visible nervousness BPA Ybarra referred ECKER to the secondary inspection area, and he complied by driving his vehicle and parking in the secondary inspection area.

Once in the secondary inspection area ECKER was asked to exit the vehicle. ECKER exited the vehicle sat on the designated bench. In secondary Agent Gonzalez conducted a systematic search of the vehicle. Agent Gonzalez notified BPA Ybarra that canine Boyke was alerting and indicating to the trunk of the vehicle. Agent Gonzalez opened the trunk and discovered four subjects attempting to conceal themselves. All subjects were questioned as to their citizenship, and all admitted to being illegally present in the United States. All subjects were placed under arrest and escorted inside the checkpoint for processing.

ECKER was placed under arrest for alien smuggling and escorted inside the checkpoint. BPA Ybarra read ECKER his Miranda rights in English witnessed by Border Patrol Agent Noe Hernandez. ECKER signed accordingly indicating that he understood his rights. ECKER did not want to sign indicating that he would waive his rights and give a sworn statement.

#### **PRINCIPAL STATEMENTS:**

##### **Statement of Mark James Ecker:**

Ecker stated he didn't want to answer any questions at this time.

Note:

Ecker acted like he was very sleepy and not alert while BPA Ybarra was trying to talk him.

#### **PRINCIPAL CRIMINAL HISTORY:**

ECKER was enrolled into the IDENT/IAFIS databases and was positive for criminal history and negative for prior immigration violations. Record checks were also conducted revealing only criminal history and no prior immigration offenses or violations. Ecker had a charge for theft of property over \$20,000 and was sentenced to 15 years and a charge of Burglary of Habitation with a sentence of 15 years.

#### **MATERIAL WITNESS STATEMENTS:**

##### **Statement made by TORRES-Garces, Elizabeth:**

TORRES-Garces, Elizabeth stated that she and her younger sister TORRES-Garces, Beatriz Adriana walked to a Wal-Mart store at an unknown location. They walked to Wal-Mart from a family members house close by. TORRES stated that they met up with two other undocumented subjects in front of Wal-Mart. TORRES stated that she was escorted by the two subjects to meet ECKER. TORRES stated that she was the only person of the four who spoke a little English and asked ECKER for a ride for all four people. TORRES stated that after some hesitation ECKER agreed to give them a ride in exchange for money when they arrived in Houston. TORRES stated that it was ECKER's idea to have them hide inside the trunk.

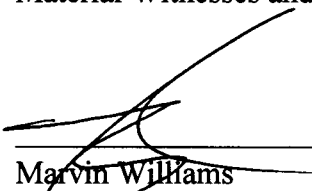
##### **Statement made by TORRES-Garces, Beatriz Adriana:**

TORRES-Garces, Beatriz Adriana stated that she was dropped off along with her sister at a Wal-Mart and met two other undocumented subjects at the front of the store. TORRES, Beatriz stated that they met ECKER at the front of Wal-Mart and her sister TORRES, Elizabeth spoke with him and made

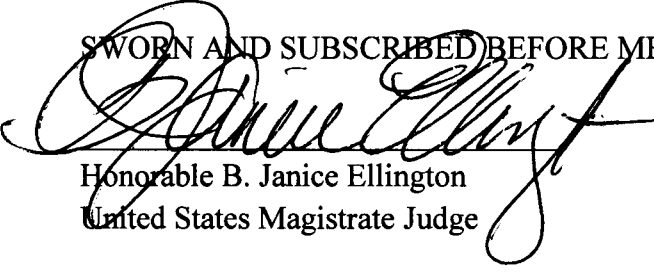
arrangements to give them a ride to Houston, Texas. TORRES, Beatriz stated that ECKER agreed and they all got into the car as front and back seat passengers, then later jumping into the trunk upon ECKER's request. TORRES, Beatriz stated that she did not know how much the ride to Houston was going to cost, that her sister was making all the arrangements.

Task Force Officer Marvin Williams contacted the Assistant United States Attorney's Office and presented the facts to AUSA Lance Watt who accepted the case against Mark James Ecker for prosecution of violating 8 USC 1324, Alien Smuggling.

Two (2) smuggled alien Beatriz Adriana TORRES-Garces and Elizabeth TORRES-Garces will be held as Material Witnesses and will be issued a Warrant of Arrest/Notice to Appear.

  
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Marvin Williams  
Task Force Agent  
Homeland Security Investigations

SWORN AND SUBSCRIBED BEFORE ME, THIS 03rd DAY of December, 2014.

  
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Honorable B. Janice Ellington  
United States Magistrate Judge